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The Canadian Association of Statutory Human Rights Agencies - Speech by the CHRC Chief Commissioner

Welcome to Ottawa and the "Day In, Day Out" conference.

Welcome, especially to visiting delegates from the United States, Brazil, and the International Association of Official Human Rights Agencies. We look forward to exchanging ideas and experiences with you.

The panel's theme today is "Revitalizing Human Rights In Canada." This is a topic dear to all our hearts, and all human rights agencies are working very hard to ensure the effective and efficient implementation of their respective mandates.

The staff of all these human rights commissions, agencies, tribunals and other similar bodies deserve much credit and thanks for the important work they do to help Canada be a better place.

At the Canadian Human Rights Commission, we are also working hard to accomplish much needed improvements to our process and to the human rights system overall.

Our new business model is progressing and with the addition of a few more components, we feel it can contribute significantly to the ongoing challenge of fostering an ever-deepening human rights culture in Canada.

We are delighted with some of our early results. We are generally well on track to meeting our specific objectives for eliminating our large backlog of cases. For example, in 2003, we achieved:

- A 79 per cent increase in overall productivity as measured by the number of final decisions on cases;
- the number of complaints two years old or older in our system has dropped by 48%;
- the average age of complaints has been cut by more than half since 2002 , from 25.5 months to 11.7 months;
- the number of complaints resolved through alternative dispute resolution has increased by 52%;
- and there has been a 25 per cent increase in the number of employers found in compliance with the *Employment Equity Act*.

To a large extent, these results flow from an expanded mediation program, a streamlined investigation process, and faster decision-making by the Commission.

Our approach is to shift more of our resources to the front end – dealing with discrimination at an early stage. Indeed,

we would like to act to prevent discrimination wherever possible.

Our new process is designed to be more timely, flexible and fair.

As we have advised Parliament in this year's annual report, more still needs to be done. It will take time, thoughtful reflection and increasing consultations with Canadians.

Further, reform in our view should be undertaken within a framework of five principles.

First, we believe a human rights system should serve the public interest. It is in the public interest to resolve human rights complaints in a more timely and effective way.

In our view, that means a more balanced use of tools ranging from mediation to information programs, reports to Parliament and special in-depth research to aid in a broader understanding of discrimination.

Second, we believe a human rights system should transform behaviour. In effect, a human rights system needs to help the victim of discrimination to begin healing.

And it should bring lasting changes to the workplace where this act of discrimination occurred.

Third, we believe a human rights system should be comprehensive. We are aware that many Canadians are still outside the Commission's jurisdiction.

Section 67 of our Act, for example, excludes matters under the *Indian Act*. We suggested to Parliament that there be legislative changes to ensure that Aboriginal people under the *Indian Act* are protected.

Fourth, we believe a human rights system should be preventive and forward-looking.

For the Commission, that means helping employers make their workplaces discrimination-proof through programs and policies, training, and regular monitoring.

It also means spotting emerging and pressing human rights issues and informing Parliament and other groups.

Finally, we advised Parliament that a human rights system should be independent, impartial and appropriately governed.

It is important that the Commission is seen to be independent by those who appear before it. It is not an instrument of government policy and must often be critical of government.

For these reasons, we proposed in our Annual Report that the Commission have a stronger relationship with Parliament in terms of financing and reporting.

We also recommended coherent application of human rights legislation by federal agencies.

We plan to discuss these ideas with Canadians, including Parliament, employers under our jurisdiction, and other partners. We are looking forward to a thoughtful and constructive dialogue in the future.

Speaking of which, let me turn to our opening panel on "Revitalizing the Human Rights System in Canada."

I am pleased to welcome our distinguished panelists. They are members of our advisory council which advises the Commission on alternative dispute resolution as it relates to human rights and public interest issues. I value their knowledge, experience and insights.

I would also like to welcome our moderator, Nathalie Des Rosiers, who is President of the Law Commission of Canada.

Born in Grand Falls, New Brunswick, Mr. Justice La Forest had a stellar academic career at the universities of New Brunswick, Oxford and Yale. As a lawyer, he had experience in private practice, teaching at the University of New Brunswick and University of Alberta, the Government of Canada, and the Law Reform Commission.

He was appointed to the New Brunswick Court of Appeal in 1981 and to the Supreme Court of Canada in 1985. He retired from the Supreme Court 12 years later.

Mme. Justice L'Heureux-Dubé was born in Quebec City and graduated cum laude from the Université Laval Law Faculty in 1951.

She practised law in her own firm, participated in a Royal Commission of Inquiries into certain matters relating to the Department of Manpower and Immigration, and was an active member or president of a number of organizations.

She was appointed to the Superior Court of Quebec in 1973, to the Quebec Court of Appeal in 1979, and to the Supreme Court of Canada in 1987.

She retired in 2002 and became a Companion of the Order of Canada in 2003.

Mr. Justice Roger Kerans and Mr. Justice Charles Dubin, who had confirmed their participation and were looking forward to the discussions, had to cancel at the last minute and send their regrets.

Nathalie Des Rosiers is a graduate in law from both the Université de Montréal and Harvard University.

She was in private practice between 1983 and 1987 and then taught in the law faculties of the University of Western Ontario and the University of Ottawa.

She is a past president of the Association des juristes d'expression française d'Ontario and of the Canadian Law Teachers Association.

For many years, she was a member of the Environmental Appeal Board and of the Ontario Law Reform Commission. And, as I mentioned, she is now President of the Law Commission of Canada.

Please welcome the panel.

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